

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

HOANG KIM TRAN,
Plaintiff,
vs.
CITY OF LAS VEGAS, et al.,
Defendants

Case No. 2:22-cv-00203-ART-BNW
ORDER ON PLAINTIFF'S MOTION TO
EXTEND TIME (ECF No. 83)

Plaintiff has filed a motion to extend time (ECF No. 83) to respond to Defendants' motion for summary judgment (ECF No. 67). Plaintiff requests an extension of time "to view bodycamera footage" and "demands to see footage of Claimant before arrest and attack of canine officer that is missing from the previous footage viewed." (ECF No. 83 at 2.) More specifically, Plaintiff demands "the footage that shows claimant surrendering dropping to the knees...before the canine officer was ordered to attack." (*Id.*)

Defendants respond that they have already produced all body camera footage associated with this arrest, and that "there is no such footage, because this series of events never occurred." (ECF No. 85 at 2.)

The Court reviewed the body camera footage produced by Defendants at ECF No. 69. This includes the body camera footage of officers positioned on both sides of Plaintiff during his arrest. The body camera footage shows that Plaintiff was positioned between a concrete wall and a large tree when he was bit by the canine and arrested. Defendants provided body camera footage from both the officers on the other side of the wall from Plaintiff, and the officers positioned behind the tree. While the Court will not determine at this stage of litigation whether Plaintiff did or did not surrender or drop to his knees, it appears that

1 the body camera footage which shows his arrest and the moments before it has
2 been produced.

3 Because the Court finds that Defendant has produced the body camera
4 footage showing Plaintiff's arrest, the Court finds that no good cause exists for an
5 order that Defendant must produce additional video footage. *Bass Underwriters,*
6 *Inc. v. Kono*, No. 2:22-CV-00138-RFB-EJY, 2024 WL 5010129 (D. Nev. Apr. 17,
7 2024), at *2 ("The Court cannot order Defendant to produce information he does
8 not have and for which there is no real evidence to the contrary."). The Court
9 therefore denies Plaintiff's request for additional video footage and grants him a
10 brief, final extension of time in which to respond to Defendant's Motion for
11 Summary Judgment.

12 It is therefore Plaintiff's motion to extend time and for production of
13 additional body camera footage (ECF No. 83) is DENIED.

14 It is further ordered that Plaintiff's final deadline to submit a response to
15 Defendants' motion for summary judgment is February 20, 2025.

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17 Dated this 6th day of February, 2025

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20 ANNE R. TRAUM
21 UNITED STATES DISTRICT JUDGE
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